

BARRY J. PORTMAN
Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defenders
450 Golden Gate Avenue
San Francisco, CA 94102
Telephone: (415) 436-7700

Counsel for Defendant APPLE GATE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

APPLE GATE,

Defendant.

No. CR-06-0173 JCS

DEFENDANT'S MOTION FOR COURT ORDER TO OBTAIN MEDICAL REPORT

Date: March 30, 2007th
Time: 9:30 a.m.
Court: The Honorable Joseph C. Spero

Defendant Apple Gate hereby moves this Court for a Court order directing Dr. Bradley Strong to issue a medical report for defendant Apple Gate, pursuant to this Court's December 15, 2006 pre-sentence order. Counsel for Mr. Gate has recently learned that the V.A. Clinic Mental Health unit will not release medical reports without a Court order.

Respectfully submitted,

BARRY J. PORTMAN
Federal Public Defender

/S/

ELIZABETH M. FALK
Assistant Federal Public Defender

ORDER OF THE UNITED STATE MAGISTRATE JUDGE

It is HEREBY ORDERED that:

Dr. Bradley Strong, M.D. (treating physician for defendant Apple Gate)
Eureka Veteran's Administration Clinic - Mental Health Unit
714 F. Street
Eureka, California 95501

issue a medical report indicating (1) Mr. Gate's past treatment plan; (2) any and all medications Mr. Gate is currently taking; (3) future treatment plan or plans for Mr. Gate; (4) any and all diagnoses of Mr. Gate, (5) all assessments made of Mr. Gate with respect to dangerousness, including the doctor's opinion with respect to Mr. Gate's dangerousness or non-dangerousness, and (6) and any and all observations made by Dr. Strong in the course of treating Mr. Gate that would assist the Court understand Mr. Gate's medical conditions.

The court understands that Dr. Strong is recently returning from leave on March 12, 2007, and needs an opportunity to meet with Mr. Gate contemporaneously prior to issuing the ordered report. Dr. Strong is hereby directed to return the report to this Court no later than March 23, 2007. The report should be faxed to the Office of the Federal Public Defender, Elizabeth M. Falk at 415-436-7706 on or before March 23, 2007. It should subsequently be mailed with an original signature to:

Elizabeth M. Falk
Office of the Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, California 94107.

Defense counsel is hereby ORDERED to distribute the report to the United States Attorney's Office, the U.S. Probation Office, and this Court immediately upon receipt.

Dated: March 5, 2007

